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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,436	05/24/2001	Jeroen Augustijn	0459-0609P	9799
2292	7590	12/17/2003	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DINH, TUAN T	
			ART UNIT	PAPER NUMBER
			2827	

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,436

Applicant(s)

AUGUSTIJN ET AL.

Examiner

Tuan T Dinh

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-73 is/are pending in the application.
- 4a) Of the above claim(s) 45-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 34-38 and 42-44 is/are rejected.
- 7) ☒ Claim(s) 39-41 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Applicant's election of Group I (claims 34-54, and 62-67) in Paper No. 20 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicant's election with traverse of Specie III (figure 10) in Paper No. 20 is acknowledged. The traversal is on the ground(s) that examiner asserts that the present application contains claims directed to the distinct species I-III illustrated in figures 8-10, and also, applicant respectfully submits that the present invention including four embodiments:

Embodiment I	claims 33-44;
Embodiment II	claims 51-52, and 70-71;
Embodiment III	claims 62-67; and
Embodiment IV	claims 54, and 72-73.

Further, applicant submits that figures 8-10 illustrated three sub-embodiments of these fourth embodiments, and applicant choose the embodiment I, figures 1-3 including claims 33-44. This is not found persuasive because the species or embodiment I-III illustrated in figures 8-10 show three distinct of a flex-circuit board attaching to a housing. Telephone's interview with Mr. Castellano, both agree to elect the embodiment I (claims 33-44) from applicant's election.

The requirement is still deemed proper and is therefore made FINAL. Claims 45-73 are withdrawn for further consideration as being drawn as non-elected subject matter.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "14" and "22" have both been used to designate projection. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "electromagnetic component having a first conductor end, claim 34, line 3, a second conductor end, claim 37, line 3, the container comprises a material...partly cast in, claim 39, lines 1-2" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Applicant filed amendment on May 09, 2003 in paper #16 that "An input/output terminals (combination of solder bumps 14 and projection 22) is shown on the top of the coil 10." is confuse, since applicant recited element 14, which is a projection or solder bump in page 9, lines 15. Is the element 22 formed as a pad of the solder bump 14?

Appropriate correction is required.

Claim Objections

4. Claim 34 is objected to because of the following informalities: claim 34, line 8, "...component is being installed within the housing" should be "...component being installed within the housing--". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40, lines 1-2, it is unclear. The phrase of "the first projection is displaceable in relation to the electro-magnetic component" is not understood. What does applicant mean of "the first projection is displaceable in relation to the electro-magnetic component" what does "in relation" refer to?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34-38, and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlson et al. (U. S. Patent 3,935,398).

Regarding claims 34-35, 37, Carlson, see figures 1-6, discloses an electro-acoustic transducer assembly (11, column 1, lines 36-37) comprising:

a housing (a casing 13, column 1, line 37) having an opening (27, see figure 1, column 1, line 53);

an electromagnetic component (coil 23, column 1, line 51) having first and second conductor ends (two end coil parts of the coil 23, see an attachment paper), the component (coil 23) being positioned within the housing (13) (see figure 1);

the assembly (11) further comprising first and second electrical conducting projection (leads 25, column 1, lines 51-53), the first and second projection (25) being in electrical communication with the component (23) via the first and second conductor end, the first and second projecting further susceptible introduction into the opening (27) when the component (23) being installed within the housing.(13).

Regarding claim 36, Carlson disclose in figure 1 that the housing (13) is electrically conducting from the inside to the outside of the housing in order to provide electrical contact from outside the housing to the first projection (25) via or through the housing (see column 1, lines 31-32).

Regarding claim 38, Carlson discloses the component enclosed within a container (yoke 61, see figures 1-3).

Regarding claim 42, Carlson discloses in figure 1, the component comprises a coil (23) comprising at least one coiled electrical conductor having two ends and the first projection (25) connected to one of the ends of the coil (see attachment paper.

Regarding claim 43, Carlson, see figures 1-6, discloses the component (23) is loudspeaker (see column 1, lines 5-8).

Regarding claim 44, Carlson, see figures 1-6, discloses a mobile device, the mobile device being a hearing aid or a mobile telephone (column 1, lines 5-15).

Allowable Subject Matter

7. Claims 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 40-41 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed May 09, 2003 have been fully considered but they are not persuasive.

Applicant argues:

(a) Carlson discloses the lead (25), which is not a first projection.

(b) Carlson does not disclose "a first conductor end is in electrical communication with the projection."

Examiner disagrees.

Response to argument (a), Carlson shows in figure 1 that an electrical coil (23) having leads (25) pass through or projection out aperture (27), the leads or the projection (25) has function to connect to external source (column 1, lines 51-53).

Response to argument (b), Carlson again show in figure 1 that the coil (23) having end coil parts (see an attachment paper) and one of the end coil part which is a first conductor end that is in electrical communication with the projection when the projection (leads 25) in connected to the external source.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 703-308-1233. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0658.

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A handwritten signature in black ink, appearing to read 'Tuan Dinh', with a long, sweeping flourish extending to the right.

Tuan Dinh

December 12, 2003.